

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAUL SIMONDS,	)	CASE NO. C08-0046-JCC-MAT
	)	
Plaintiff,	)	
	)	
v.	)	REPORT AND RECOMMENDATION
	)	
FOX, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Paul Simonds, appearing *pro se*, recently filed an application to proceed *in forma pauperis* (IFP) and a proposed civil rights complaint. (Dkt. 1.) The complaint is completely unintelligible, fails to clarify the specific defendants named, and fails to provide a clear request for relief.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

01 Here, plaintiff fails to allege sufficient facts to place defendants on notice of the nature of  
02 his claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R. Civ. P. 8(a).  
03 Because this action appears frivolous and fails to state a claim upon which relief can be granted,  
04 it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure  
05 12(b)(6).

06 Plaintiff has submitted numerous similar proposed complaints to this Court.<sup>1</sup> The Court  
07 once again advises plaintiff of his responsibility to research the facts and law before filing a  
08 complaint in order to determine whether his claim for relief is frivolous. If plaintiff files a frivolous  
09 action, he may be sanctioned. *See* Fed. R. Civ. P. 11. The Court would likely impose sanction  
10 of dismissal on any frivolous complaint. If plaintiff files numerous frivolous or malicious  
11 complaints, the Court may bar him from proceeding in this Court. *See DeLong v. Hennessey*, 912  
12 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

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19 <sup>1</sup> Plaintiff is a prolific litigator who has filed a number of similar lawsuits in the past two  
20 years against various judges, attorneys, and other officers in this district. *See, e.g., Simonds v.*  
21 *Ninth Circuit*, C07-1353-MJP (W.D. Wash. 2007); *Simonds v. Fox*, C07-1250-MJB (W.D. Wash.  
22 2007); *Simonds v. Social Sec. Admin.*, C07-741-MJP (W.D. Wash. 2007); *Simonds v. Canby* (II),  
C07-536-MJP (W.D. Wash. 2007); *Simonds v. Martinez*, C07-523-TSZ (W.D. Wash. 2007);  
*Simonds v. Donohue*, C06-1588-JLR (W.D. Wash. 2006); *Simonds v. Zilly*, C06-1385-RSL (W.D.  
Wash. 2006); *Simonds v. Fox* (II), C06-1384-RSM (W.D. Wash. 2006); *Simonds v. Fox* (I),  
C04-2473-JCC (W.D. Wash. 2005); *Simonds v. Canby* (I), C05-1887-JCC (W.D. Wash. 2005).

01 Because of the deficiencies in plaintiff's proposed complaint, his request to proceed IFP  
02 should be DENIED and this case DISMISSED without prejudice. 28 U.S.C. § 1915(e)(2)(B).  
03 A proposed order of dismissal accompanies this Report and Recommendation.

04 DATED this 17th day of January, 2008.

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06 Mary Alice Theiler  
07 United States Magistrate Judge  
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